

A PRELIMINARY REPORT
on
THE SCOPE OF THE CITY PLAN
NO. 1 OF A SERIES



CENTRAL PLANNING BOARD
of
THE CITY OF NEWARK, NEW JERSEY

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OF
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CHARLES F. EVANS, Executive Secretary

CENTRAL PLANNING BOARD OF NEWARK, NEW JERSEY

March 4, 1944.

To The Honorable Mayor and Board of Commissioners
Of The City of Newark, New Jersey.

Gentlemen:

The Central Planning Board is now actively engaged in the development of a Comprehensive Master Plan for the City of Newark and in the preparation of a program for postwar public improvements.

The first report of the progress of this work has been submitted to our Board by the engineers in charge of the technical phases, and we are pleased to herewith submit same to you.

This report treats with the scope of the plan and is set up in such a manner as to acquaint your Board and the general public with the objectives and program of the Central Planning Board as prescribed by the Ordinance under which the Board was organized.

The Plan contemplates a progressive analysis of the various elements which enter into a Comprehensive Master Plan. Detailed reports of the progress of the work will be made to your Board from time to time, approximately in accordance with the following schedule:

- | | |
|--|-------------------|
| 1. Scope of the City Plan | March 1, 1944 |
| 2. Character of the City | April 1, 1944 |
| 3. Population | July 1, 1944 |
| 4. Land Use | January 1, 1945 |
| 5. Zoning | January 1, 1945 |
| 6. Housing | April 1, 1945 |
| 7. Major Street Plan | September 1, 1945 |
| 8. Local Transportation Facilities | December 1, 1945 |
| 9. Transportation - Truck, Rail, Water, Air | February 1, 1946 |
| 10. Parks, Playgrounds, Recreational Facilities and Public Schools | July 1, 1946 |
| 11. Public Buildings and Lands | September 1, 1946 |
| 12. Appearance of City | October 15, 1946 |
| 13. Capital Expenditure Program | |
| 14. Administrative Policy and Practice | December 1, 1946 |

Because it will require from two and one-half to three years to complete the Master Plan, it is necessary that certain basic studies be made immediately so that a skeleton framework might be set up at the earliest possible time to enable the Board to consider such emergency developments as might arise while the ultimate Comprehensive Master Plan is in the early stages of formation.

It is recognized that the postwar requirements should be developed by the actual preparation of plans and specifications for certain public works projects, even while the Master Plan is in the making.

Completed detailed plans and specifications for such contemplated projects should be ready for letting of contracts at the earliest possible date so that the City will be in a position to participate in any Federal or State funds which may be made available for postwar public works. It has been indicated in legislative bills recently introduced that before funds are made available to municipalities they must submit plans in conformity with a Master Plan adopted by the municipality.

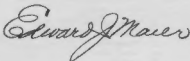
In this connection the Planning Board suggests that the several City Departments having projects of a postwar nature under consideration, make known to our Board at the earliest possible date the character of their requirements so that these projects may be properly dovetailed into the Master Plan.

The Board is encouraged by the spontaneous cooperation from the various governmental, business and civic bodies in this area. We see an awakening by the public to the advantages of City Planning and it will be the endeavor of this Board to take the public into its confidence and encourage wholehearted support in our efforts for Newark betterment.

We propose with your approval, to give this report wide publicity by distribution in printed form so that the reaction of the public may be learned as the program progresses.

Respectfully submitted,

CENTRAL PLANNING BOARD
OF THE CITY OF NEWARK

A handwritten signature in dark ink, reading "Edward J. Mauer". The signature is written in a cursive style with a large, stylized "E" and "M".

Chairman.

HARLAND BARTHOLOMEW AND ASSOCIATES

CITY PLANNERS • CIVIL ENGINEERS • LANDSCAPE ARCHITECTS

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SAINT LOUIS, MISSOURI

(1)

HARLAND BARTHOLOMEW
RUSSELL M. RILEY
HARRY W. ALEXANDER
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E. O. PEARSON

March 1, 1944

Central Planning Board

Newark, New Jersey

Gentlemen:

We are pleased to submit herewith our preliminary report on the Scope of the City Plan. This is the first report in the forthcoming series which will comprise the Newark Master Plan.

The purpose of this report is to explain what is intended to be accomplished under the planning program recently inaugurated in Newark. Primarily it is educational in nature and should be given wide distribution in order to acquaint the general public with the objectives in view.

Respectfully submitted,

HARLAND BARTHOLOMEW & ASSOCIATES

Harland Bartholomew

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Preface

The Newark Central Planning Board has two primary functions to perform under the Ordinance creating the Board and the State Law covering its powers and duties. These are:

First: To make and adopt a Comprehensive City Plan for the City of Newark as provided by law and by ordinance, and

Second: Within the framework of the Plan to prepare a program for postwar public improvements for submission to the Board of City Commissioners.

As it will require from two and one-half to three years to complete the preparation of the Comprehensive City Plan, it will be necessary to proceed with the second part of the program as quickly as the broad outlines of the Plan can be determined in order that the cessation of hostilities will find the City prepared to proceed with a carefully thought out public works improvements program.

The main objectives to be achieved by the Newark Comprehensive Plan may be summarized as follows:

1. A well balanced, unified development of the entire City.

(Slums, blighted districts and excessive decentralization of population and industry are brought about by unbalanced design of the City.)

2. Sound and stable property values in all parts of the City.

(Excessively high taxes and depreciation of individual property values are the inevitable result of unwarranted speculative distortions in building development and real estate practices.)

3. Protection of existing areas of owner occupied dwellings.

(Individual home ownership is the best guarantee of good citizenship. It should be one of the best permanent sources of revenue with which to operate the City.)

4. Good environment for rental housing areas.

(This is one of the most important problems facing Newark. The Federally subsidized projects for war workers and the low income groups solve only a very small part of the problem. Large scale privately financed rental projects are needed to replace sizeable areas of inadequate and obsolete accommodations.)

5. Relief of traffic congestion and establishment of improved terminal facilities for parked automobiles.

(Proper design of a street system is needed to facilitate traffic movements in and out of the business center and between objectives in the Newark area. Conveniently located off-street parking facilities must be provided within the central business area.)

6. Good mass transportation facilities.

(A well designed street system is necessary for expeditious local transportation.)

7. Adequate public recreational areas.

(All residential areas of the City should be provided with easily accessible playgrounds, playfields and neighborhood parks.)

8. Adequate public health facilities.

(Public hospitals, health centers and the like are among the important improvements which should be considered in the City Plan.)

9. Adequate educational facilities.

(All parts of the city should be provided with modernized school buildings on ample sites.)

10. Improved facilities for industrial development.

(Newark should retain its dominant

place in the industrial field by making it attractive for existing industries to remain and for new industries to come to the City.)

11. Enhancement of the City's appearance.

(Beauty is the adaptation of form to function. It can be accomplished by giving careful attention to the design of city streets and public open spaces and by the judicious control of such private developments as detract from the appearance of such streets and public open spaces.)

A Comprehensive Master Plan For Newark

Founded in 1666, Newark is now 278 years old. It has a distinguished historical background. For many years it has been known widely as one of the principal workshops of the Nation. The city is intensively developed on a relatively small site. Its corporate boundaries are fixed and the city is almost entirely surrounded by other incorporated communities. With the exception of portions of the "Meadows," very little vacant land remains. Many sections of the city consist largely of obsolescent and deteriorated buildings. Prior to the war there was a steady and serious decrease in population. While considerable sums have been expended for street widenings and openings, there is still acute traffic congestion which impairs the stability of the central business district. Compared with other cities which compete with Newark the bonded debt and tax rate have been unusually high.

These are matters which are of concern to every citizen of Newark. There is no easy way out of the dilemma in which Newark finds itself but the problems can be solved if a concerted effort is made by all groups and agencies which have a stake in the future of the community. It is essentially a matter of planning carefully and consistently over a considerable period of years. Repeated changes in programs and policies will increase the difficulties and will solve few problems.

For the reasons set forth above it is particularly important that a City Plan be made for Newark at this time. Postwar economic and physical planning is being widely discussed. There

has been no crystallizing of opinions concerning any of the suggested plans. Furthermore, there is a wide divergence of opinion concerning the probable trend of events in the postwar period. It is generally agreed, however, that public work will play a significant part in taking up the employment slack during the readjustment period. At this time no one knows how these public works will be financed or whether there will be federal funds available in the form of grants to the states and municipalities. It is important that the mistakes made during the economic depression of the thirties be avoided in the postwar period. In order to obtain the best results from any public work program it should be dovetailed into the Comprehensive City Plan now under preparation. Contract plans and specifications should be prepared at the earliest practicable date for at least a few of the more important projects.

As previously stated the City Commission appointed a Central Planning Board which is now beginning to prepare a Comprehensive City Plan for Newark. It is intended that the plan to be adopted as the Comprehensive Master Plan of the City of Newark will be in accordance with the State statute.

It is estimated that to complete the plan will require two and one-half to three years. Each citizen of Newark will have an opportunity to study the plan and to express his view. It is hoped that each citizen will follow the progress of the plan step by step. Public hearings will be held on the different parts of the plan before its

adoption, much in the manner of 'town meetings' during the time of Robert Treat. This is the way planning should be done in a Democracy. *Execution of the Comprehensive City Plan will not result in extravagant expenditures or grandiose projects. In the words of the late Dwight Morrow, it is vastly more expensive not to plan than to plan.* The present high tax rate and high bonded debt in Newark is largely a result of past uncertainty of objectives and lack of planning. A Comprehensive City Plan, systematically followed, will prevent inadvisable or useless projects. It will produce the greatest benefit from dollars expended for capital improvements. It will mean building projects that are most needed, in the right places at the most appropriate times.

Essentially a City Plan consists of co-ordinated plans for major streets, bridges, transit and bus lines, air, water and rail facilities, parks and other recreation facilities, schools, zoning, housing, public buildings and enhancement of the city's appearance.

Following is a brief discussion of the elements that will be considered in preparing the Master Plan.

POPULATION

Knowledge of Newark's future population distribution, density and characteristics is essential in the preparation of a Master Plan. Obviously, the scale and location of public services and improvements depend on how many people will use them and where these people will live. Therefore, population studies are fundamental to sound planning.

In the decade from 1930 to 1940 more than 12,000 persons left Newark. What are the causes of this downward trend and is it expected to continue? If so, what will this mean in the

school facilities and residential and business requirements? What will Newark's population be in 1970? In 1980?

Newark has a gross average density of population for the entire city of 28.4 persons per acre. Among cities of the United States this density is exceeded only by that of Jersey City, which is 32.9 persons per acre, and New York City which is 38.9 persons per acre. The average density of most cities range from 8 to 20 persons per acre. A determination of what is a desirable density to be achieved in all parts of the community is a most important planning consideration.

Most American cities have expanded their area of urbanization into rural areas beyond their corporate limits and Newark's population has also spread beyond the corporate limits, but, as Essex County is largely urban in character, most people moving from Newark, still reside in an incorporated community.

Many of the towns and cities in the Newark area have official planning agencies and attempt to regulate and control the development of their community. These efforts would be more effective, however, if there was a closer co-ordination of the work being done by the different boards and commissions. This could be accomplished by the creation of a committee composed of representatives of the individual agencies which would consider common problems and serve as a means for the interchange of ideas and plans.

LAND USE

A knowledge of how land is used in a community is a prerequisite to sound city planning. Land is principally used for single family residences, apartments, business, industries, and public and semi public purposes. A

proper balancing of the amount of each type of use with present and future needs of the City is one of the principal objectives of the City Plan.

At present, there is no information showing the amount of land used for different purposes in Newark. During the course of preparation of the Comprehensive City Plan, such data will be collected and shown graphically on a series of maps. A relationship can then be established between the amount of land that is now used and that which will be needed in the future.

ZONING

Newark has enjoyed the benefits of zoning since 1930. The ordinance needs to be reviewed in the light of conditions as they exist today.

Zoning to be most effective should be a part of the Master Plan, and in this respect the Newark ordinance is deficient as it was adopted without the benefit of a modern, complete city plan. The amount of land needed for various purposes in the future should be determined from the land use survey and the growing districts adjusted accordingly. Elimination of non-conforming uses after a reasonable period of amortization and the provision of off-street parking facilities are matters which must be considered in reviewing the adequacy of the present regulations.

MAJOR STREETS

Since the early days of the automobile all urban communities have been confronted by traffic problems arising from improperly planned street systems. As early as 1915, these problems had become acute in Newark and the City Plan of that date had many recommendations for improving the situation. Despite the fact that a number of streets were widened and opened

in accordance with these recommendations serious congestion still exists and the parking problem is unsolved.

Much progress has been made by the State Highway Department in opening up routes through the Newark area to the tunnels and bridges leading to New York City. Plans are well advanced toward certain further highway improvements to be made in the period following the war. The Federal Government is proposing to expend very substantial sums in developing a system of inter-regional highways to connect all of the principal urban centers in the United States.

The principal street problems to be solved in Newark by the preparation and carrying out of a Major Street Plan are as follows:

1. Increasing the stability of the Central Business District by opening up access streets that will enable traffic to reach all parts of the area in the most direct manner.
2. Provide sufficient parking facilities in the downtown area to attract the shopping public.
3. Development of adequate north and south thoroughfares through the city.
4. Provide adequate feeders or connections from the business and industrial sections to present and future inter-regional highways.
5. Improve highway routes leading to the northern entrances to New York City.

Newark has an excellent basic system of radial thoroughfares leading from the residential suburbs to the center of the city. In most instances, however, these streets are quite narrow and cannot handle the traffic load satisfactorily.

LOCAL TRANSIT FACILITIES

Facilities for transporting large numbers of people from their homes to places of employment are of special significance in the City Plan. Despite the widespread use of the private automobile for such purposes, the great majority of persons entering and leaving the central business districts of large cities do so by some form of mass transportation. The war emergency has demonstrated the value of adequate bus and street railway facilities. Had they not been available war production would have been severely curtailed by the inability of the worker to reach his place of employment.

Newark has followed the trend established in other cities by largely replacing street railway lines by bus routes during the past few years. It is doubtful, however, that a transit system comprised entirely of buses would satisfactorily handle the load in Newark. Supplementing the system of bus routes is the combination surface-subway street railway lines which utilize the bed of the abandoned canal. Cars operating on these lines maintain relatively fast schedules and render good service to the outlying residence districts.

A high degree of co-ordination between rail, bus and street railway facilities exists in Newark. This combination is illustrated by the arrangement of bus and street railway facilities at the Pennsylvania Railroad Station. At that point there is a considerable interchange of commuting traffic with connection to various points of Newark and suburban areas.

Further improvements of type of carrier used in the local transit system is contemplated after the war. Opportunities exist for reducing duplication of service in certain areas and augmenting service in other sections of the city.

All of those considerations are part of the Master Plan.

TRANSPORTATION—

RAIL, WATER AND TRUCK

Five railroads serve Newark for passengers and freight. The main lines of the Pennsylvania, Lackawanna and Lehigh Valley and branch lines of the Erie and Central of New Jersey pass through the city. Direct service to the heart of New York is furnished by the Pennsylvania Railroad and the Hudson and Manhattan subway system. At Port Newark there are exceptionally fine opportunities for the interchange of rail and water borne shipments.

The highly developed industrial areas in Newark develop a tremendous amount of freight. Numerous terminals exist throughout the city through which both rail and truck shipments are handled. One of the most important parts of the City Plan will be concerned with possible consolidation of some of these terminals. Studies have been under way for several years by the Port of New York Authority looking forward to a solution of the problem, and recently some headway has been made, particularly in respect to consolidation of truck terminals. The City Plan will be co-ordinated with the work being done by the Port Authority.

Port Newark developed over a period of years by the City represents a very substantial investment. Although it has not yet become self-supporting, potentially the Port is an invaluable asset to the city and its future development is an important part of the City Plan. With the exception of the shipyard and Sears-Roebuck property which have been taken by condemnation, most of the Port is now under lease to the United

States Government and will be returned to the city after the war together with all improvements made while being used by the Army and Navy.

The Passaic River is an important traffic artery for water borne freight. Its further development will be given consideration in the City Plan.

TRANSPORTATION — AIR

Newark Airport, previous to the construction of La Guardia Field in New York, was the terminus of all air lines operating in and out of the metropolis. Since the war the airport has been taken over by the Army which has made substantial improvements to the field. Under the lease agreement the airport will be returned to the city after the war emergency.

Newark is exceptionally well located in respect to the expected tremendous expansion of aviation after the war. The Newark Airport is the only one in the New York area enjoying the advantages of direct rail and water connections. It also possesses exceptionally direct highway connections with New York City. It should logically become a great transatlantic port for overseas passenger and freight traffic as well as the principal terminus for freight and express consigned to the New York area. Careful consideration of industrial development and use of the airport must be maintained in order to avoid conflicts that would jeopardize the efficiency of the port. Protection against construction of anything within the approach zones that would constitute flying hazards must be averted. Such protection may be afforded by including appropriate regulations in the Zoning ordinance. While a separate ordinance adopted independently of the zoning law might be justified as a temporary emergency

measure, it should later be supplanted by a permanent set of restrictions incorporated in the Zoning ordinance.

HOUSING

Prior to the depression, the improvement of urban housing conditions was not overly emphasized in city plans. The entrance of the Federal government into the field of low rental housing, however, stimulated local interest and resulted in the creation of many local housing agencies and the construction of a large number of projects throughout the country. Conceived primarily as a means of providing employment in the construction industry, the program also was designed to clear slums and provide decent housing for that portion of the population unable to pay an economic rent.

Newark contains many areas which should be completely re-planned and rebuilt. Obviously, if such a program is undertaken, it will involve expenditures far beyond the financial ability of the municipality. If any extensive areas are cleared and rebuilt, private enterprise must furnish most of the capital. Subsidized housing for the lowest income groups is a small part of the problem and in itself can never accomplish the results needed to rehabilitate many parts of the city.

The Prudential Life Insurance Company has demonstrated the feasibility of private capital undertaking the construction of large projects in Newark. While these projects have served a useful purpose in providing decent housing at reasonable rents they occupy a comparatively small area and are subject to the deleterious effects of their surroundings. The reconstruction of decadent areas must be undertaken on a neighborhood basis, each area being self-contained with schools, rec-

reational facilities shopping centers etc. The delineation of such neighborhoods is one of the most important parts of the City Plan

PARKS AND RECREATIONAL FACILITIES

The importance of ample and well distributed public open space and recreational facilities cannot be over-emphasized in Newark. In a densely built-up community nothing adds more to the liveability than attractive parks, playfields and playgrounds. During the process of rehabilitating Newark this point should be kept in mind at all times.

There is a close relationship between schools and recreational areas. The schools logically should be the center of the neighborhood with ample opportunities afforded for cultural and recreation activities as well as educational guidance

Newark has several fine parks which have been developed by the Essex County Park Commission. Weequahic and Branch Brook Parks are splendid examples of well planned recreational areas. The greatest need in the city is for additional neighborhood parks and for playgrounds operated in conjunction with the school system

The City Plan will analyze the needs for additional recreational areas in conjunction with the program of neighborhood rehabilitation and reconstruction. An important part of this phase of the program will be an analysis of present and future school needs in the light of future population trends

PUBLIC BUILDINGS

As a result of disregarding the recommendations made in the 1915 City Plan, Newark has lost the oppor-

tunity to create an outstanding grouping of public buildings. There are eleven major public buildings in the city, some of which are inconveniently located or occupy sites of insufficient size.

The City Hall and Post Office are adjacent to each other, but there is no unity in design and little attempt was made to place the new building in a commanding site. The Essex County Court House and Hall of Records are some distance away from the City Hall, thus making it inconvenient to anyone transacting business at both places. The Public Library and Museum likewise are located at some distance from any other public building

An analysis will be made of the probable future need for replacement of present public buildings or the erection of new buildings to determine whether the creation of a future civic center will be at all feasible

THE CITY'S APPEARANCE

The city's appearance, more than anything else, requires the whole-hearted co-operation of all its citizens. What constitutes a beautiful city is probably a matter of opinion. Among the things that go to make up a beautiful city are: attractive parks and open spaces, good architectural design of public and private buildings and structures, well designed streets, an abundance of street trees, a minimum of unsightly poles, wires and signs, and good maintenance of all private and public properties and structures.

In view of the somewhat unattractive and rundown condition of sections of Newark a great deal more attention than in the past must be given to those things that make the city look attractive. This will be necessary if Newark is to successfully

compete with suburban areas. It can not be done overnight but much can be gained by a constant and energetic effort over a period of years.

CO-OPERATION AND CO-ORDINATION WITH OTHER AGENCIES

There are a number of agencies which are making plans in the Newark metropolitan area. It is the responsibility of the Central Planning Board to co-ordinate its plans with those of these various agencies. The Board should act as a clearing house for all improvements affecting the city in order to avoid conflicts and to protect the city's interests. These various planning agencies are as follows:

REGIONAL

The *Port of New York Authority* was created in 1921 by the respective legislatures of New York and New Jersey. It is an instrument through which the problems of the port of New York are solved without regard to the State line that divides the area. This agency has been responsible for the construction and financing of the George Washington Bridge, Staten Island Bridges, Holland and Lincoln Tunnels and the Inland Terminal. All of the activities of the Port Authority are self liquidating and revenue producing. In addition to the works already constructed, the Authority is making numerous additional studies which are of concern to Newark. These studies include: new arterial highway locations, union merchandise freight terminals, airports and off-line air terminals, and additional rapid transit facilities.

The *Regional Plan Association, Inc.* is a privately financed organization having as its purpose the over-all

planning of the entire New York Region. This region includes 6 counties in New York, 9 counties in New Jersey and 1 in Connecticut. Newark is included in that region. Many studies have been made by this organization that are of great concern to Newark. Others are now being made and still others are being contemplated.

STATE

The *New Jersey State Planning Board* is primarily concerned with state planning but has endeavored to assist in the establishment of local planning boards. It has published reports which are of interest to Newark, among them being studies dealing with land subdivision and a system of parks and public lands in New Jersey.

The *New Jersey State Highway Department* has constructed and now maintains certain highways and bridges through and near the city. Additional highway improvements are being contemplated by the State Highway Department which are of primary interest to Newark.

COUNTY

Newark comprises 23 per cent of the area of Essex County and contains 51 per cent of the County's population. It provides 51 per cent of the financial support of the County.

The *Essex County Highway Department* has built and maintains highways in and through Newark. Additional highways are being contemplated at this time.

An *Essex County Park Commission* exists under an Act of Legislature adopted in 1895. This Park Commission is appointed by the Justice of the State Supreme Court presiding in Essex County. The Park Commission

owns, operates and maintains 7 parks comprising 767.69 acres of land in Newark. Under its administrations also comes the Oratton Parkway and Park Avenue, parts of which lie in Newark

ADMINISTRATIVE POLICY

The preparation of the Master City Plan is no guarantee that it will be adopted, accepted and carried out over a period of years. The fate of the 1915 City Plan is illustrative of what may happen again in Newark. No plan is worth the paper it is printed on unless it has the support of the citizenry. This support cannot be obtained if the plan is impractical or too visionary. The Planning Board must so conduct its affairs that the general public will give it wholehearted backing in its effort to improve Newark.

No plan can be effectively admini-

stered without adequate legislation to give it legal standing. In New Jersey the Planning Enabling Act of 1930, revised in 1937, is an excellent law and vests the Planning Board with sufficient authority to operate effectively. Unfortunately, the ordinance which creates a Planning Board does not follow the provisions of the State Law in respect to the official adoption of the Plan, and it is not mandatory for the Board of Commissioners to submit proposed projects to the Board for approval before authorization. The Board cannot carry out its obligations effectively under such restriction, and it is recommended that serious consideration be given to a change in the ordinance to conform with all of the provisions of the State Law. The method of procedure set forth in the State Law has been in effect in some 20 States and has proven to be highly effective in preserving the integrity of numerous city plans.

Postwar Planning And The City Plan

Since shortly after Pearl Harbor postwar planning has been discussed and volumes have been written on the subject. These discussions have covered a wide range of fields, all the way from international postwar plans to plans for local public works and plans for private industry. Plans have been put forth by numerous groups including industrial, labor, finance and government. As yet none of these proposals have been enacted into law. There is one point of agreement in all of the proposals, i.e., for sometime following the cessation of hostilities there will be presumably a considerable unemployment load and most of the plans are directed at this potential problem.

Many theories have been advanced as to what will happen in the post war period. These theories predict a variety of postwar conditions, varying from a business boom with a continuation of good business conditions, and, consequently, high employment to the prediction that there will be a tremendous economic depression.

It is generally agreed and indicated in most of the plans that it is the responsibility of private industry to provide the major part of postwar employment. Leaders of private industry are fully aware of this and are earnestly attempting to meet their responsibility. Failing this the alternative will be for the government to do the planning for private industry. Most large industrial concerns are making extensive plans for conversion of their plants to peace-time uses. Committees formed by various business and industrial groups are the Committee on Economic Development, the

Postwar Planning and Conference Committee of the United States Chamber of Commerce, and a Committee of the National Manufacturers' Association all of which have as their objective the stimulation of private industries to determine for themselves the place they will occupy in the postwar economy. While there has been no crystallization of an over-all national postwar program, it is the consensus of informed opinion that a considerable amount of public construction will undoubtedly be necessary to ease the unemployment situation during the transition period.

As stated before, it is agreed that to private industry will fall the responsibility for the bulk of employment but public works will also be needed as a balance wheel to be used while private industry is becoming adjusted to the new requirements. Public works should be available also in case private industry cannot provide enough employment to meet the required needs. There may possibly be some kind of federal public works program, but, so far, no definite method of financing such a program has been formulated. Congress is considering legislation for this purpose. The State of New Jersey is considering establishment of a large reserve fund for postwar construction and a report has recently been completed by the Commission on Postwar Economic Welfare which estimates that there will be more than 400,000 unemployed in the State three months after cessation of hostilities. The Commission concludes that \$50,000,000 could be expended in State public works without increase in taxation.

The City of Newark also has been doing a considerable amount of work on a postwar construction program. In 1942 the City Commission appointed a Committee on Public Works Reserve to co-operate with the Federal Government in preparing a national public works program. This committee has made a report which includes a list of needed improvements that might be undertaken after the war. More recently a construction program amounting to \$41,000,000 was formulated by the City Commission.

Regardless of how much employment must be provided by public works construction, obviously a large program will be needed in Newark in future years. Improvements curtailed or halted during the war period must be completed. Worn-out plants must be replaced. Since the depression many other needed betterments have been deferred pending improvement of the City's financial position. Numerous additional capital improvements will be advocated from time to time by various groups and agencies.

One of the principal functions of the Central Planning Board is to assist in the formation of a long range capital expenditure program.

The Newark Comprehensive City Plan will contain numerous recommendations for improvements to be made over a long period of years. These proposals, among others, will include those related to widening and opening major streets, the construction of bridges and grade separation structures, the requisition and development of parks and playgrounds, the construction of new schools and other public buildings including hospitals and health facilities.

In addition to these specific city planning improvements there are other public works which involve capital expenditures. These improvements in-

clude replacement of worn-out streets, sewers, water mains and other public facilities, and major repairs to city owned properties.

The Newark Comprehensive City Plan will provide a basis for co-ordinating these improvements, for eliminating duplication and for insuring that each improvement will be in scale with the requirements that are placed upon it. Having once determined upon a long range program that can be carried out within the financial limitations of the community there devolves upon the Planning Board the responsibility of developing an advance program of from four to six years and keeping it up to date by annual revisions in the light of conditions as they exist at that time. The so-called postwar program is an integral part of this long range plan.

It is essential that after agreement has been reached on what projects are to be constructed immediately after materials again become available detailed plans and specifications be drawn so that construction work can be started without delay.

Newark's postwar program will be influenced in part by its financial condition. It is undoubtedly true that in recent years certain industries have left Newark and others have been reluctant to establish themselves here because of the comparatively high bonded debt and tax rate. The total bonded debt reached a peak of \$126,000,000 in 1936. It is now (January 1, 1944) \$96,000,000 and at the present rate of reduction is estimated at \$51,000,000 on January 1, 1950. With lower bonded debt and consequent reduced taxes, Newark's competitive position in the industrial field will become stronger. It will be in a better position to carry out and to benefit from a postwar construction program.

A Brief Review Of City Planning In The United States

Few cities in the United States have developed and grown according to plan. Most cities either sprang up quickly under pioneer and boom-town conditions or grew from small communities largely by unrelated additions. Our cities grew so slowly during much of the 19th Century that the need for planning was not realized.

Washington, D. C., is the best example of a well-planned American city. Major Pierre L'Enfant, a French trained Military Engineer, was commissioned in 1790 by General Washington to lay out the Capitol City of the new nation. A network of unusually wide avenues radiating from the Capitol and from other centers was superimposed upon a gridiron system of streets. It was estimated at the time the city was planned that it would eventually accommodate a population of approximately 200,000. However, by 1900, the population had exceeded the original estimate, and began to spread beyond the planned area. Present difficulties have arisen because of the unforeseen growth and because of certain departures from the original plan.

In the latter half of the last century great park systems for numerous cities were prepared by Frederic Law Olmsted, pioneer landscape architect. These plans were conceived as means of shaping, directing and improving the growth of cities. Early in the twentieth century, partial plans were made of other cities such as Boston, Philadelphia, Reading, Savannah, New Orleans and Annapolis. In many places small pioneer communities were laid out in accordance with a plan, but

when expansion took place, particularly during the industrial era, little attention was paid to the relation of a multiplicity of additions to the original town. Individual real estate developers attempted to get the maximum financial return from their respective developments. Streets and lots were laid out with little regard to the relationship to the rest of the city. This was a period of rugged individualism: each business enterprise planned for its own interests and there was a general belief that the less public concern or control of private business, the better. No fine city has ever been built or can be built in such a manner.

In 1893, the Columbian Exposition at Chicago, with its magnificent design of streets and grouping of beautiful buildings stimulated a 'City Beautiful Movement' on the part of citizen groups. This movement took the form of schemes for parks, parkways and grandiose public buildings and civic centers.

While the "City Beautiful" approach produced many fine things, only occasionally were the fundamental problems included. As early as 1893, Mr. George Kessler, one of the early planners, laid out a parkway system for Kansas City which now forms the framework of that street system. In 1910 a plan for Dallas, Texas, was prepared by the same authority which embraced many of the elements we now consider as essential parts of a City Plan, including park systems, street systems, coordination of railroad facilities and means for reducing conflicts between business and residential development.

In 1909, D. H. Burnham completed the Chicago Plan, one of the most comprehensive of the early city plans. That plan stimulated the development of modern Chicago and was largely responsible for the magnificent lake front improvement program, street system and coordinated railroad terminals carried out in recent years.

During this same period other cities were concerning themselves with planning, including New York, St. Louis, Philadelphia, Cleveland, Boston and Detroit. It should be pointed out that during the late 1800's and early 1900's a number of significant developments and inventions were made which have directly affected the development of our cities. The development and use of steel in building structures made possible the construction of "skyscrapers," which in turn has permitted great concentrations of population for business purposes in comparatively small downtown areas. The widespread use of electric, steam and bus rapid transit has caused the spreading out of residential areas. The invention and de-

velopment of the automobile has greatly increased the spreading of the residential area. With this decentralization of residential areas, there was a very rapid expansion of subdivision at the outskirts of the developed areas and the springing up of numerous suburban communities. Widespread real estate speculation was universal. There was little, if any, control of the new developments beyond the city proper but as these developments were accomplished, many of them later, became parts of the original city to which they had little relationship.

By 1915, traffic congestion and intermingling of private property uses in the larger cities became paramount problems. Means and methods of controlling private property uses became imperative. Out of this grew the concept of zoning which spread rapidly among all cities throughout the nation. Traffic control methods were devised and universally applied. Major street systems were planned and executed in varying degree and effectiveness.

A Brief History Of Planning In Newark

When the little Puritan party from Connecticut landed on the shores of "ye Passayac River" they found open farmland marshes, and timber covered areas where Newark now stands. It was the marsh land in and around the town that was the determining factor in the placing of some of the early thoroughfares, including the present Broad Street.

Almost immediately the settlers began draining the marshes, using pipe sections made from gum trees. Many acres of what is now solid earth were reclaimed from the marshland.

In the original settlement there were only about seventy persons. By the time of the Revolutionary War the town had about 1,000 and by 1810 there were 6,000 inhabitants. As the demand grew, new farmlands were opened to the West of the original town; new streets were opened without regard to uniformity — some even cutting through original plots. The roads into the town began as foot paths to the outlying farms. Later they were improved for wagon and horse-drawn vehicles.

During the early period of pioneer development the town grew very slowly and there seemed to be no need for planning. With the advent of the industrial era, however, developments came very rapidly. Day to day changes were not perceptible but yearly changes were significant and the changes in a decade were phenomenal. Rapid industrial expansion gave rise to many planning problems. Nearly everyone was preoccupied with the economics of making a living and accumulating his

share of the profits incident to this growth. Land owners were interested in subdividing their property in the most profitable manner. There was little or no study of street layouts or of their effect upon the city as a whole.

By 1910 the results of unplanned growth were most apparent. Slum conditions had developed to an alarming degree. Traffic congestion was acute. Many sections of the city were extremely unattractive.

In 1911 the Newark Evening News carried stories on City Planning and in 1912 an unofficial City Plan of Newark, prepared by Charles F. Puff, was published which pointed out some of the problems which faced the City and presented many examples of city planning both in Europe and America. This report also included a number of suggestions for improving Newark.

In June, 1911, Mayor Haussling appointed a City Planning Commission in accordance with enabling legislation which had been previously passed by the New Jersey Legislature. This Commission employed George B. Ford and E. P. Goodrich of New York as consultants. Frederic Bigelow was the first Secretary subsequently succeeded by Robert L. Ross and later by Harland Bartholomew as Engineer-Secretary.

From time to time this Commission issued reports on a variety of planning subjects, the final report issued in 1915 being a Comprehensive Master Plan for Newark. This report was one of the first Comprehensive City Plans to be prepared in the United States. In

1915 the automobile was in its infancy and the problems resulting from its widespread use were just beginning to appear. Zoning was being discussed as a means of controlling the use of land but with doubts as to its legality. Many of the recommendations proposed in this first plan have been carried out but others have been ignored.

In 1922 Director Raymond, of the Department of Streets and Public Improvements, engaged engineers to constitute a Newark Bureau of City Planning. Several unpublished plans were completed by this group during the year. Unfortunately efforts to carry out the recommendations were ineffective.

On January 8, 1930, the Board of Commissioners adopted a Comprehensive Zoning Ordinance.

In February, 1939, the Newark Advisory Planning Board was established. Its principal activity was to act as co-sponsor with the Newark Housing Authority in conducting a WPA housing survey. This Board also had as its stated objective the securing and establishment of an official City Planning Program for Newark and under its directions a number of planning studies were made in exhibit form.

During the period from 1915 to date all of the City Departments have been doing planning on matters of particular interest to themselves. Essex County and the State of New Jersey have made many physical improvements in and near Newark. A large program of federally financed public housing for families of low income has been constructed under the auspices of the Newark Housing Authority. This consisted of six projects containing a total of 2,435 living units.

Since the completion of the 1915 City Plan, Newark has expended many

millions of dollars for major improvements. Some of these improvements were recommended by the Plan, some were not. One of the major expenditures was in connection with developing the canal subway system, costing in excess of \$10,000,000 and designed for use by trolley cars. The subway was completed about the time when the use of trolleys was almost universally being abandoned. The Center Market building, costing approximately \$5,000,000 was used for such purpose only a few years subsequent to its construction in 1922. Since that time the building has had various types of occupancy, none of which pay sufficient rent to pay interest charges on the bonded debt. The establishment of this market was opposed in the 1915 Plan. The Port Newark Development Project and the Municipal Airport cost the City in excess of \$30,000,000. To date the operation of these facilities has been a heavy financial drain on the City.

It is apparent that there is great need for a coordinated program of public works developed within the framework of a Master Plan to minimize the danger of undertaking unsound projects, to bring about well balanced development of the city and to keep tax costs within reasonable limits.

During 1943 certain leading citizens and public officials became concerned with the future of Newark. Realizing that vigorous action was needed to arrest the serious disintegration that has been taking place for many years within the community, these citizens under the leadership of Mayor Murphy recommended the establishment of an official planning agency to assume this responsibility. These recommendations resulted in the creation of the Newark Central Planning Board.

APPENDIX I

An Ordinance Creating A Central Planning Board and Providing For the Appointment of the Members Thereof and Their Terms of Office and Outlining and Defining the Functions Powers and Duties of said Board Adopted by City Commission June 16 1943

BE IT ORDAINED by the Board of Commissioners of the City of Newark that

1. Pursuant to the provisions of the Revised Statutes of 1937 Title 40 55-1, and the amendments thereof and supplements thereto, a CENTRAL PLANNING BOARD of the City of Newark, N. J., consisting of nine members, be and is hereby created

2. The members of said PLANNING BOARD shall be appointed and hold office in accordance with the terms and provisions of the Revised Statutes Title 40 55-3 and they shall be citizens residing in the City of Newark, New Jersey

3. The CENTRAL PLANNING BOARD shall organize itself and conduct its business in accordance with the terms and provisions of the Revised Statutes Title 40 55-4, excepting that no committee, agency or employee shall be appointed or employed by the said Board without the consent of the governing body of the City of Newark

4. It shall be the primary function and duty of the CENTRAL PLANNING BOARD to act as a central body and clearing house for all governmental plans and projects that, directly or indirectly, may benefit and affect the City of Newark and for that purpose, it shall

(a) Make comprehensive studies and surveys of Federal State County and Municipal postwar plans and projects, to determine their purposes, the manner of their financing, and the source and availability of funds to carry on the same

(b) Make comprehensive studies and surveys of the physical and social needs of the City of Newark, and, for that purpose, all boards, departments, agencies and bureaus of the City may, with the consent of the Director in charge, supply the CENTRAL PLANNING BOARD with such information and data as it may request

(c) Make comprehensive studies and surveys of the problems which may arise upon

the termination of the present world conflict, particularly with respect to the return to normal peace time pursuits of the men and women of this City who have been in the service of their Country

(d) Make comprehensive studies and surveys of the problems which may arise upon the termination of the present world conflict particularly with respect to real estate, housing, business industry, and all other interests and activities in the City of Newark

5 It shall be the further function and duty of the CENTRAL PLANNING BOARD to develop and promulgate postwar plans and postwar projects and to co-ordinate all plans and projects within the City and to correlate them to the plans and projects of Federal State and County agencies and with those of other municipalities giving due consideration at all times to the probable ability of the City of Newark to carry out over a period of years, the various projects without the imposition of unreasonable financial burdens. The Board, however shall not have the power or authority to function as the Board of Adjustment of the City of Newark or to perform the functions of any board, department, agency or body of the City of Newark

6 The CENTRAL PLANNING BOARD, shall, from time to time report to the Board of Commissioners of the City of Newark the results of any study and survey which it has made and the conclusions derived therefrom and it shall recommend any plan or project which it has approved and it shall report its disapproval of any plan or project which has been submitted to it. The action of the PLANNING BOARD in approving or disapproving any plan or project shall not be binding upon the Board of Commissioners but shall be reported to the Commission as a recommendation

7 Any plan or project which shall be presented to the Board of Commissioners an

which has not been reported upon previously by the CENTRAL PLANNING BOARD, may be referred by the Board of Commissioners to the CENTRAL PLANNING BOARD for study and the CENTRAL PLANNING BOARD shall thereupon furnish to the Board of Commissioners a report thereon in writing, within thirty days

8 The CENTRAL PLANNING BOARD shall have all of the other general powers and duties as are set forth in the Revised Statutes aforesaid for the making and adopting of a master plan for the physical development of the City of Newark

9. The CENTRAL PLANNING BOARD shall pursue the general purpose of guiding and accomplishing a co-ordinated adjusted and harmonious development of the City of Newark and its environs which will in accordance with present and future needs best promote order, convenience, prosperity, education and general welfare, as well as efficiency and economy in the process of development and in the expenditure of public funds

10 This Ordinance shall take effect immediately upon its final passage and publication according to law

APPENDIX II

Municipal Planning Enabling Act

Revised Statutes 40 55 1 to 40.55-21 1937

40 55 1. DEFINITIONS Whenever used in this article the following words shall have the meanings hereinafter prescribed

Definitions of words.

"Mayor" means the chief executive of the municipality, whether the official designation of his office be mayor manager or otherwise

Mayor

"Governing body" means the chief legislative body of the municipality In cities having a board of public works such board shall be considered the governing body" for the purposes of this article

Governing body

"Streets" include streets avenues, boulevards roads lanes, alleys, viaducts and other ways

Streets

"Subdivision" means the division of a lot tract or parcel of land into two or more lots,plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development It also includes re subdivision and, when appropriate to the context relates to the process of subdividing or to the lands or territory subdivided

Subdivision

Source. L. 1930, c. 235, 1, p. 1039

40 52-2 CONSTRUCTION OF ARTICLE In construing the provisions of this article all courts shall construe the same most favorably to municipalities it being the intention hereof to give all municipalities the fullest and most complete powers possible concerning the matters provided for under this article

Provisions to be construed most favorably to municipalities.

Source. L. 1930, c. 235, 21, p. 1049

40 55-3 PLANNING BOARD MEMBERSHIP VACANCIES The governing body may by ordinance create a planning board of not less than five nor more than nine members The members shall consist of, and be divided into, for convenience in designating the manner of appointment the four following classes

Planning Board.

Class I — Mayor, ex officio

Class II — One of the officials of the municipality, to be appointed by the mayor.

Classes of members

Class III — A member of the governing body to be appointed by it

Class IV — Other citizens of the municipality to be appointed by the mayor.

When the board consists of less than seven members Class II shall be omitted All members of the board shall serve without compensation, and the members of Class IV shall hold no other municipal office, except that one of such members may be a member of the zoning board of adjustment The terms of the members composing classes I and III shall correspond to their respective official tenures. The term of the member composing class II shall terminate with the term of the mayor appointing him The term of one member of class IV first appointed shall expire at the end of each year beginning at the end of the first year Thereafter the term of each shall be

Detail of membership

the same number of years as there are members of class IV on the board. If a vacancy in any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Members may, after a public hearing, be removed for inefficiency, neglect of duty, or malfeasance in office by the officer or body appointing them

Source. L. 1930, c. 235, 2, p. 1039

40.55-4. OFFICERS AND EMPLOYEES, EXPENSES, MUNICIPAL APPROPRIATIONS. The planning board shall elect a chairman from the members of class IV and create and fill such other offices as it may determine. It may employ experts and a staff, and pay for their services and such other expenses as may be necessary and proper, not exceeding in all, exclusive of gifts, the amount appropriated by the governing body for its use.

The governing body of any municipality creating a planning board shall appropriate in the same manner as other appropriations are made, such money as in its discretion is necessary for the work of the planning board for the year in which the appropriation is made. The amount so appropriated shall be assessed, levied and collected in the same manner as moneys appropriated for other current expenses in the municipality

Source. L. 1930, c. 235, 3, p. 1040

40.55-5. CITIZENS ADVISORY COMMITTEE. After the organization of the planning board, the mayor may appoint a citizens advisory committee to represent the civic and other organizations of the community and to collaborate with the planning board in its studies. The committee shall elect its own officers and determine its procedure.

Source. L. 1930, c. 235, 5, p. 1041.

40.55-6. PLANNING BOARD, GENERAL POWERS AND DUTIES, MASTER PLAN. The planning board shall make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the board's judgment, bear essential relation to the planning of the municipality. The plan, with the accompanying maps, charts, drawings and descriptive matter, shall show the board's recommendations for the development of said territory, including among other things the general location, character and extent of streets, subways, bridges, waterways, water fronts, parkways, playgrounds, squares, parks, aviation fields, and other ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of major public utility and terminal facilities, whether publicly or privately owned, and general plans for the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals. As the work of making the whole master plan progresses, the board may from time to time adopt and publish parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The board may from time to time amend, extend or add to the plan. In the preparation of the master plan the planning board shall give due consideration to the probable ability of the municipality to carry out, over a period of years, the various projects embraced in the plan without the imposition of unreasonable financial burdens. The board may be given the additional authority and duty of acting as the zoning commission under article 3 of this chapter (40.55-30 et seq.)

Source. L. 1930, c. 235, 4, p. 1041.

40.55-7 IMPROVEMENTS SUBMITTED TO BOARD GOVERNING BODY MAY OVERRULE BOARD. Whenever the planning board

Vacancy

Removal

Organ. section

Appropriations

Provisions for funds

Advisory Committee

Master plan prepared

Details

Plans made as they progress

Future development considered

May act as zoning commission

Municipal development based on master plan

40 55-10. PURPOSE OF MUNICIPAL PLANNING. In the preparation of the plan and map the planning board shall cause to be made careful and comprehensive surveys and studies of present conditions and future growth of the municipality, due regard being taken to its relation to neighboring territory. The plan and map shall be made with the general purpose of guiding an encompassing, a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development, including among other things, adequate provision for traffic and recreation, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Consideration of future growth and change

General purpose

General subjects of consideration

Source: L. 1930, c. 235, 9, p. 1043

40 55-11. REFERENCE OF OTHER MATTERS TO PLANNING BOARD. The governing body may by ordinance provide for the reference of any other matter or class of matters to the planning board before final action thereon by the public body or officer having final authority thereon, with or without the provision that final action thereon shall not be taken until the planning board has submitted its report thereon or has had a reasonable time to submit its report, which time shall be fixed by the ordinance.

Governing body may refer matters to planning board

Source: L. 1930, c. 235, 10, p. 1044.

40.55-12. APPROVAL OF PLATS ACTION BY BOARD. The governing body may by ordinance authorize and empower the planning board to accept regulations governing the subdivision of land within its jurisdiction and to approve plats showing new streets or highways and to determine and fix the minimum sizes of lots and to establish building lines, except when already established by the zoning ordinance. Before action is taken a hearing after notice shall be given by the planning board to all parties in interest. The planning board may thereupon approve, modify and approve, or disapprove such plat, taking due regard to its conformity with the official map.

Plat of new street

Planning

Action

Approval

The planning board shall take the action required by this section and report its action to the governing body within thirty days after the submission of the plat to it for approval, or within such further time as may by resolution of the governing body be granted, otherwise such plat shall be deemed to have been approved, and the certificate of the municipal clerk as to the date of the submission of the plat for approval to the planning board and of the failure of the board to report action thereon within thirty days or such further time as allowed by the governing body shall be issued on demand of the owner or his agent and shall be sufficient, in lieu of the written endorsement or other evidence of approval herein required. The grounds of disapproval of any plat submitted to the planning board shall be stated upon the records of the board.

Source: L. 1930, c. 235, 11, p. 1044

40 55-13 CHARACTER OF DEVELOPMENT ESSENTIAL. The plat submitted for the approval of the planning board may also in proper cases show a park or parks suitably located for playground or other recreation purposes. In approving such plats the planning board shall require that the streets, highways and parkways shall be of sufficient width and suitably located to accommodate the prospective traffic and to afford adequate light, air and access for fire fighting equipment to buildings and be coordinated so as to compose a convenient system that the land shown on the plats shall be so

Park sites and playgrounds

Street facilities

planned as to be capable of being provided with proper sanitary and drainage conditions; and that the parks and playgrounds shall be of reasonable size for neighborhood playgrounds or other recreational uses when deemed necessary.

Sanitation.

In making such determination regarding streets, highways, parkways, playgrounds, squares, parks and other ways, grounds and open spaces, the planning board shall take into consideration the prospective character of the development, whether residence, business or industrial.

Character of development considered.

Source. L. 1930, c. 235, 12, p. 1045.

40:55-14. PLATS APPROVED BEFORE FILING: EFFECT ON OTHER LAWS. No plat of a subdivision of land showing a new street or highway shall be accepted for filing by the county clerk or register of deeds until it has been approved by the planning board, if it has been empowered to approve such plats, or by the municipal governing body, and such approval be endorsed in writing on the plat in such manner as the planning board or governing body may designate. After the plat is approved and filed, the streets, highways, parkways, playgrounds and parks shown thereon shall be part of the official map and master plan of the municipality. The owner of the land or his agent who files the plat may add on the plat a notation, if he so desires, to the effect that no offer of dedication of such streets, highways, parkways, playgrounds or parks or any of them is hereby made to the public.

Plat approved before filing with county clerk.

Streets or filed plat official.

In so far as provisions of law other than those contained in this chapter require the approval of a plat, map or plan of land by any officer or body of a municipality as a prerequisite to its acceptance for filing by the county clerk or register of deeds, the provision of such other laws shall not be in force in so far as they apply to plats, maps or plans of land within the limits of any municipality which has established an official map or master plan under this article.

Provisions of other laws regarding plat approval.

Source. L. 1930, c. 235, 13, p. 1045.

40:55-15. PENALTIES FOR TRANSFERRING LOTS IN UN-APPROVED SUBDIVISIONS. Any owner or agent of any owner of any land located within a subdivision controlled under sections 40:55-12 and 40:55-13 of this title who transfers or sells any land by reference to or exhibition of or by other use of a plat of a subdivision, before the plat has been approved by the planning board and duly recorded or filed in the office of the county clerk or register of deeds, shall forfeit and pay a penalty of not less than one hundred dollars for each lot or parcel so transferred or sold, and the description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

Penalty for improper transfer of lots.

The municipality may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

Source. L. 1930, c. 235, 14, p. 1046.

40:55-16. PERMITS FOR BUILDING IN THE BED OF MAPPED STREETS. For the purpose of preserving the integrity of the official map of a municipality, no permit shall be issued for any building in the bed of any street, shown or laid out on the official map, except that when the property of the applicant of which such reserved location forms a part, cannot yield a reasonable return to the owner unless such permit be granted, the board of adjustment, in any municipality which has established such a board, may, in a specific case by the vote of a majority of its members, grant a permit for a building in such street, which will as little as practicable increase the

Not build in street.

Proviso.

cost of opening such street, or tend to cause a change of the official map, and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public and shall inure to the benefit of the municipality. In any municipality in which there is no board of adjustment, the governing body shall have the same powers and be subject to the same restrictions as provided in this section.

Governing body
acting as board
of adjustment.

Before taking any action authorized in this section, the board of adjustment or governing body shall give a public hearing at which parties in interest and others shall have an opportunity to be heard. At least ten days' notice of the time and place of the hearing shall be published in an official publication of the municipality or in a newspaper having general circulation therein.

Source. L. 1930, c. 235, 15, p. 1047.

40:55-17. MUNICIPAL IMPROVEMENTS IN STREETS; SUBJECT TO PLAN. No public sewer, water mains or other municipal street utility or improvement shall be constructed in or so as to serve any street, highway, parkway, playground or park until the street, highway, parkway, playground or park is duly placed on the official map or master plan.

Public utilities.

Source. L. 1930, c. 235, 16, p. 1047.

40:55-18. BUILDINGS NOT ON MAPPED STREETS. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the official map or master plan. Where the enforcement of the provision of this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets or highways, the applicant for the permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the board of adjustment in any municipality which has established such a board or, in municipalities where there is no board of adjustment, to the governing body, and the same provisions shall apply to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may, in passing on such appeal, make any reasonable exception and issue the permit subject to conditions that will protect any street or highway layout.

Access to buildings.

Appeal to certain instances.

Source. L. 1930, c. 235, 17, p. 1047.

40:55-19. CHANGES IN ZONING REGULATIONS. Simultaneously with the approval of any plat controlled under sections 40:55-12 and 40:55-13 of this title the planning board shall by resolution either confirm the zoning regulations of the land so platted as shown on the official zoning maps of the municipality or make recommendations for any reasonable change therein to the governing body. The owner of the land shown on the plat may submit with the plat a proposed building plan indicating lots where group houses for residence or apartment houses or local stores and shops are proposed to be built. The building plan shall indicate for each lot or proposed building unit the maximum density of population that may exist thereon or therein and the maximum height and the minimum yard and court requirements. The plan, if not conformable to the zoning regulations of the land shown on the plat shall not receive final approval of the planning board unless and until the governing body has acted favorably on the recommended zoning changes in the manner prescribed by law. Such building plan shall not be approved by the planning board unless in its judgment the appropriate use of adjoining land is reasonably safeguarded and such plan is consistent with the public welfare.

Zoning Regulations.

Building plan submitted.

Simultaneously with placing on the official map any proposed new street,

or proposed change in an existing street, the planning board shall make recommendations to the governing body for any reasonable amendment to the zoning map or ordinance of the municipality, to provide for proper setback lines and for other restrictions and regulations of buildings and structures according to their construction and the nature and extent of their use on property to be affected by the street.

New or changed streets.

Source. L. 1930, c. 235, 18, p. 1048.

40:55-20. CERTIORARI: TIME LIMIT. No writ of certiorari to review any decision of the planning board shall issue unless application therefor be made within thirty days after the filing of the decision in the office of the board. The allowance of the writ shall not stay proceedings upon the decision unless so ordered by the court.

Review of decision of planning board.

Source. L. 1930, c. 235, 19, p. 1049.

40:55-21. EXISTING PROPERTY UNAFFECTED: CERTAIN PUBLIC UTILITY PROPERTY UNAFFECTED. This article or any ordinance or regulation made under its authority shall not apply to existing property or to buildings or structures used or to be used by public utilities in furnishing service, if upon a petition of the public utility, the board of public utility commissioners shall after a hearing, of which the municipality affected shall have notice, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the service, convenience or welfare of the public.

Existing property not affected.

Source. L. 1930, c. 235, 20, p. 1049.

